

REMARKS / ARGUMENTS

Status of Claims

Claims 1 and 6-22 were pending and have been rejected by the Examiner. Claims 1, 6-8, and 11-22 have been amended. Claim 10 has been cancelled. Accordingly, claims 1, 6-9, and 11-22 are presented and at issue.

Objections to Claims and Specification

The Examiner objected to claims 6-8 and 12-15 because these claims depend from a cancelled claim and have not been renumbered to show which claim they further limit. Accordingly, Applicants have amended claims 6-8 and 12-15 so that these claims now depend from a currently pending claim.

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. More specifically, the Examiner alleged that the phrase "computer readable medium" recited in claim 20 is not explicitly defined within the specification. Accordingly, Applicants have amended claim 20 in conformance with the Examiner's suggestion to recite "a storage medium" instead of a "computer readable medium."

In light of the foregoing amendments, it is submitted that the Examiner's objections have been overcome.

Rejections Under 35 U.S.C. §103(a)

Claims 1, 6-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hatfield et al. (Patent No. 6,243,076) in view of Tognazzini et al. (Patent No. 5,731,805).

Applicants traverse this rejection for the following reasons. The Examiner's obviousness rejection based on Hatfield in view of Tognazzini is improper as Hatfield and Tognazzini fail to teach or suggest each and every element of the instant invention in such a manner as to perform as the claimed invention performs. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie

case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). The Examiner must meet the burden of establishing that all elements of the invention are taught or suggested in the prior art. MPEP §2143.03.

Independent claims 1, 17 and 20 have been amended to recite, *inter alia*, wherein the output compromises at least part of a stationary target object representing an interactive component comprising at least one of a button, a scroll bar, a hyperlink, or a menu. Claims 1, 17, and 20 have also been amended to recite, *inter alia*, identifying the stationary target object through eye-gazing tracking by identifying at least one particular pixel being gazed at by the user. Support for the foregoing recitations is found throughout Applicants' specification. Refer, for example, to Applicants' specification at FIG. 2A-2C, FIG. 3A-3D, and paragraphs [0014] –[0019], [0023], [0052] and [0060]. No new matter has been added.

Hatfield discloses a user interface control that utilizes one or more moving graphical objects called “comets” which can be operated solely by the eye gaze of a user. At col. 5, lines 7-23, Hatfield states “[a] basic principle underlying the present invention is that, while eye tracking technology and the human visual system are likely performing close to theoretical limits for stationary targets, by placing visual targets in motion, the unwanted, involuntary motion of the eye becomes of no consequence....the eye does particularly well at smoothly tracking targets that are moving in the range of 1 to 30 degrees of visual angle per second. Hence...the user interface controls of the invention are placed into motion (i.e., they are animated).” Examples of Hatfield's animated comets are shown in FIGs. 4A-4J.

The technique disclosed in Hatfield differs vastly from the approach set forth in Applicants' claims 1, 17, and 20. More specifically, Hatfield's interface for utilizing animated graphical objects is completely distinguishable from Applicants' claimed approach which utilizes stationary target objects as shown, for example, in Applicants' FIGs. 3A-3D. An additional distinguishing feature is that Applicants' claimed approach

permits a user to select a stationary target object through eye-gazing tracking by identifying at least one particular pixel being gazed at by the user. Since Hatfield uses moving graphical objects, these objects will not appear at a particular pixel, but rather move about the screen from pixel to pixel.

Hatfield fails to disclose or suggest Applicants' claimed procedures, systems, and software products for interacting with a monitor wherein the output compromises at least part of a stationary target object representing an interactive component comprising at least one of a button, a scroll bar, a hyperlink, or a menu. Hatfield also fails to disclose identifying the stationary target object through eye-gazing tracking by identifying at least one particular pixel being gazed at by the user.

Tognazzini fails to remedy the deficiencies of Hatfield. Tognazzini discloses a system and method for eyetrack-driven text enlargement. With reference to FIGs. 10-12 of Tognazzini, a monitor displays a news article and selectively enlarges a portion of the article in response to detecting a user's gaze. However, Tognazzini fails to disclose or suggest Applicants' claimed procedures, systems, and software products for interacting with a monitor wherein the output compromises at least part of a stationary target object representing an interactive component comprising at least one of a button, a scroll bar, a hyperlink, or a menu. The techniques disclosed in Tognazzini are directed to manipulating non-interactive, text-based content. Tognazzini fails to suggest or disclose an interface that uses interactive graphical objects such as buttons, menu items, hyperlinks, and scroll bars.

In view of the foregoing, Applicants submit that Tognazzini and Hatfield fail to teach or suggest each and every element of the invention as set forth in independent claims 1, 17, and 20. It is further submitted that independent claims 1, 17, and 20 are allowable over the prior art of record. Claims 6-9 and 11-16 depend from independent claim 1 and include all recitations thereof. Similarly, claims 18-19 depend from independent claim 17 and include all recitations thereof. Finally, claims 21 and 22

depend from independent claim 20 and includes all recitations thereof. Accordingly, dependent claims 6-9, 11-16, 18-19 and 21-22 are allowable over the prior art of record for the reasons indicated above with respect to independent claims 1, 17, and 20.

Hatfield and Tognazzini are wholly inadequate in their teaching of the claimed invention as a whole, fail to motivate one skilled in the art to do what Applicants have done, fail to recognize a problem recognized and solved only by the present invention, and disclose a substantially different invention from the claimed invention, and therefore cannot properly be used to establish a prima facie case of obviousness. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection under 35 U.S.C. §103(a), and Applicants now consider this rejection to be traversed.

In light of the foregoing remarks and amendments, Applicants respectfully submit that the Examiner's rejections under 35 U.S.C. §103(a), have been traversed, and that the application is now in condition for allowance. Such action is therefore respectfully requested.

If a communication with Applicants' Attorneys would assist in advancing this case to allowance, the Examiner is cordially invited to contact the undersigned so that any such issues may be promptly resolved.

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment, to Deposit Account No. 09-0441.

In the event that an extension of time is required, or may be required in addition to that requested in a petition for extension of time, the Commissioner is requested to grant a petition for that extension of time that is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-identified Deposit Account.

Respectfully submitted,

CANTOR COLBURN LLP
Applicant's Attorneys

By: /Steven R. Bartholomew/

Steven R. Bartholomew
Registration No: 34,771
Customer No. 67232

Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929
Fax: (860) 286-0115